

REMARKS

In the Office Action¹, the Examiner objected to the abstract; rejected claims 1-4, 19, and 22-24 under 35 U.S.C. § 102(b) as being anticipated by JP 11-127290 to Hisashi ("*Hisashi*"); rejected claims 5-12 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over *Hisashi* in view of U.S. Patent No. 7,061,391 to Hopper et al. ("*Hopper*"); rejected claims 13-15 under 35 U.S.C. § 103(a) as being unpatentable over *Hisashi*, in view of *Hopper*, and further in view of U.S. Patent Application Pub. No. 2004/0080773 to Jamison et al. ("*Jamison*"); and rejected claims 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Hisashi* in view of in view of U.S. Patent No. 7,173,718 to Iwata et al. ("*Iwata*").

By this Amendment, Applicant has amended the abstract and claims 1, 5, 9, 13, 14, and 19, and canceled claims 16 and 17. Claims 1-15 and 18-24 remain pending.

Regarding the objection to the abstract, Applicant has amended the abstract to remove the word "means." Therefore, Applicant requests that the Examiner withdraw the objection to the abstract.

Applicant respectfully traverses the rejection of claims 1-4, 19, and 22-24 under 35 U.S.C. § 102(b) as anticipated by *Hisashi*. In order to properly establish that *Hisashi* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites an image forming system comprising, for example:

...
the image forming system having memory to store usage histories of the latent image carriers of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in the memory.

(emphasis added). *Hisashi* does not disclose each and every element of Applicant's claimed invention.

Hisashi discloses a system with two or more digital image formation equipment (paragraph 0005). The Examiner cites paragraph 0070 of *Hisashi* to disclose the claimed "to store usage histories of the latent image carriers of the image forming apparatuses" (Office Action at page 3). Applicant respectfully disagrees.

This passage of *Hisashi* discloses transmitting "the remaining print pagination." The information used in *Hisashi* is present or future information (i.e. "the remaining print pagination," "it being waiting," and during manuscript reading and a print"). On the contrary, the information stored in the memory in claim 1 corresponds to "usage histories of the latent image carriers of the image forming apparatuses." *Hisashi* does not store "usage histories."

In addition, the appropriate "image forming apparatuses" are selected based on the "carrier usage history data stored in the memory." By selecting the appropriate image forming apparatus, each image forming apparatus may maintain the same image quality even though the printing process may be different. Applicant submits that *Hisashi* does not select an image forming apparatus based on the "carrier usage history

data stored in the memory.” Therefore, *Hisashi* does not teach or suggest the claimed combination of elements including, for example, “the image forming system having memory to store usage histories of the latent image carriers of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in the memory,” as recited in claim 1.

Accordingly, *Hisashi* cannot anticipate claim 1. Thus, claim 1 is allowable for at least these reasons, and claims 2-4, 19, and 22-24 are also allowable at least due to their depending from claim 1.

Regarding the rejection of independent claim 5, the Examiner correctly states that *Hisashi* “does not explicitly teach the image forming system having means for storing usage histories of the developer of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the developer usage history data stored in said storing means” (Office Action at page 6). The Examiner cites *Hopper* to allegedly disclose these elements. Applicant respectfully disagrees.

Hopper discloses “monitoring depletion of a consumable resource in a monitored system” (col. 1, lines 42-44). *Hopper* appears to disclose monitoring the reduced amount of the toner. However, claim 5, as amended, recites “the image forming system having memory to store developer usage histories data corresponding to a deterioration of a characteristic of the developer through use of the developer in the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the developer usage history data stored in the memory.”

Applicant submits that *Hopper* does not “store developer usage histories data corresponding to a deterioration of a characteristic of the developer through use of the developer in the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the developer usage history data stored in the memory.” Therefore, *Hopper* does not teach or suggest the claimed combination of elements including, for example, “the image forming system having memory to store developer usage histories data corresponding to a deterioration of a characteristic of the developer through use of the developer in the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the developer usage history data stored in the memory,” as recited in claim 5.

Accordingly, *Hisashi* and *Hopper* fail to establish a *prima facie* case of obviousness with respect to claim 5. Claim 5 is thus allowable. Claims 6-8 and 10 depend from claim 5 and are thus also allowable for at least the same reasons as claim 5.

Independent claim 9 recites “the image forming system having memory to store usage histories after maintenance of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the usage history data.” Applicant submits that *Hisashi* and *Hopper* do not teach or suggest at least the claimed “memory to store usage histories after maintenance of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the usage history data.” Therefore, claim 9 is also

allowable over *Hisashi* and *Hopper* and claims 11 and 12 are also allowable at least due to their dependence from claim 9.

Regarding the rejection of claim 18, which depends from claim 1, the Examiner relies on *Hopper* for allegedly disclosing “the use of [an] image forming system wherein the developer contains color particles” (Office Action at page 15). Even assuming this allegation is correct, which Applicant does not concede, *Hopper* does not teach or suggest “the image forming system having memory to store usage histories of the latent image carriers of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in the memory,” as recited in claim 1, and required by dependent claim 18.

Therefore, no *prima facie* case of obviousness has been established, and claim 18 is also allowable over *Hisashi* and *Hopper* for at least the same reasons as claim 1.

Regarding the rejection of independent claim 13, Applicants has amended claim 13 to recite, “the image forming system having memory to store information related to an average black ratio of developer after replacement and having a function of selecting image forming apparatuses outputting the image based on the average black ratio obtained from the information.”

Applicant submits that the combination of *Hopper* and *Hisashi* do not teach or suggest at least the claimed “memory to store information related to an average black ratio of developer after replacement and having a function of selecting image forming apparatuses outputting the image based on the average black ratio obtained from the information.” *Jamison* does not cure the deficiencies of *Hopper* and *Hisashi*.

Jamison discloses an “improved operation and troubleshooting of printing devices” (paragraph 0004). *Jamison* does not teach or suggest the claimed combination of elements including, for example, “the image forming system having memory to store information related to an average black ratio of developer after replacement and having a function of selecting image forming apparatuses outputting the image based on the average black ratio obtained from the information,” as recited in claim 13.

Accordingly, *Hisashi*, *Hopper*, and *Jamison* fail to establish a *prima facie* case of obviousness with respect to claim 13. Claim 13 is thus allowable. Claims 14 and 15 depend from claim 13 and are thus also allowable for at least the same reasons as claim 13.

Regarding the rejection of claims 20 and 21, which depend from claim 1, the Examiner relies on *Iwata* for allegedly disclosing “a display unit for displaying a list of the image forming apparatuses selected for outputting the image” (Office Action at pages 18-19). Even assuming this allegation is correct, which Applicant does not concede, *Iwata* does not teach or suggest “the image forming system having memory to store usage histories of the latent image carriers of the image forming apparatuses and having a function of selecting image forming apparatuses outputting the image based on the carrier usage history data stored in the memory,” as recited in claim 1, and required by dependent claims 20 and 21.

Therefore, no *prima facie* case of obviousness has been established, and claims 20 and 21 are also allowable over *Hisashi* and *Iwata* for at least the same reasons as claim 1.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 7, 2008

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